

## REMARKS

Claims 11-20 will be pending in this application after entry of this amendment. Applicants respectfully request reconsideration of these claims for the reasons set forth below.

### Drawings

In response to the Examiner's request for drawing(s) under 37 CFR 1.81(c), Applicants submit herewith FIGS. 1-2. The Specification is amended to describe the new drawings. No new matter has been added.

### Response to Claim Rejections

#### **35 USC §102 - *Shadduck et al.***

Applicants request reconsideration of the rejection of claims 11-15 under 35 USC §102(e) as being anticipated by U.S. Patent No. 7,264,351 (Shadduck et al.) or U.S. Patent No. 7,278,739 (Shadduck et al.).

Independent claim 11 states the following: "a multi-focal contact lens wherein the lens is manufactured at least partially from a **responsive polymer gel**". Responsive polymers are distinct from the shape memory polymers described in the cited text of Shadduck, and they have advantages as described in the Applicant's specification. (See, for example, paragraph [0020] of the specification.)

As will be understood by those skilled in the art, responsive polymers are those which have the ability to change shape when a stimulus, e.g., an electric field, is applied. Responsive polymers do not "store" any shape in memory or remember an original shape to which they could return by either application of a stimulation or withdrawal thereof. On the contrary, responsive polymers, central to their responsive nature, **must not store any shape memory**. As used in a lens of the present invention, these polymers constantly change shape over their duration of use to achieve the intended aim of a device to correct presbyopia. Responsive polymers acquire their constant responsiveness capability due to their composition.

On the other hand, shape memory polymers of the kind used and described by Shadduck are polymers having a complex molecular network requiring at least two

separate phases, and exhibit a shape memory effect. Commonly, such polymers have a visible (temporary) form and a stored (permanent) form. Shape memory polymers are usually in their stored/memory (permanent) form. Then, the material is changed into another, temporary form by various processes, often through processing by heating and cooling. The idea is that the polymer maintains this temporary shape until the shape changes into the permanent form. The shaping memory is activated by a predetermined external stimulus. The capability of shaping memory polymers to do this is, in contrast to the **composition-based** responsiveness of responsive polymers, due to the **arrangement of the molecular network**. Thus, there are fundamental differences between the storage memory polymers of the cited art and the responsive polymer gels as claimed by applicants.

Further, applicants submit that the inherent differences between shape memory polymers and responsive polymers are evident from the disclosure in the Shadduck patents. Both patents teach methods of manufacturing lenses that, once modified post-production, are **fixed in structure**. Contact lenses or IOL lenses are typically corrected for power when they are manufactured. The Shadduck patents describe making lenses with a predefined corrective power and then changing the corrected power to a final corrected power. This allows (for example) modifying the corrective power of the lens post-surgery after the subject's eyes have healed. However, once the post-surgery modifications have been made, no additional changes are made. The polymer does not continue to adjust in use. The device described in the prior art is ultimately designed to give one correction, i.e., to correct one distance. In contrast, the responsive polymers of the present invention are capable of **continuous and dynamic shape change**, which enables a user continuously to shift focus between objects at different distances. For all these reasons, independent claim 11 is not anticipated by Shadduck's patents.

Claims 12-15 depend from allowable claim 1 and are not anticipated for at least the same reasons.

Accordingly, applicants request that the 35 USC §102 rejection be withdrawn.

**35 USC §103 - Shaddock in view of Large et al.**

Applicants request reconsideration of the rejection of claims 16-17 under 35 USC §102(e) as being unpatentable over '351 or '739 US patents to Shaddock, in view of US Patent 5,712,721 (Large et al.).

Each of these claims depends from independent claim 1 and are allowable for at least the same reasons given above regarding claim 1. Even when combined with Shaddock, Large fails to cure the deficiencies of Shaddock stated above. Accordingly, applicants request that the 35 USC § 103 rejection be withdrawn.

**Claims 18-20**

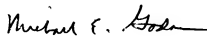
Applicants acknowledge the Examiner's conditional allowance of claims 18-20 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**CONCLUSION**

Applicants respectfully request allowance of the claims for the reasons set forth above.

The Commissioner is hereby authorized to charge the fee for 1-month extension of time up to and including August 2, 2009, and any other fees in connection with this response, to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Godar".

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